all talking at once, who squatted in what little space there was inside the room and overflowed into the passage outside. The work these three men did was incredibly difficult and yet they were successful to a remarkable degree, and succeeded in maintaining not only security on the trade routes in the Protectorate, but at the same time they were able to strengthen the ties between Government and the Rulers.

Outside the Secretariat there were only three European officers of the Government. The senior was the Chairman of the Port Trust Board and of the Settlement Board, and at the time of which I am writing the appointment was held by an officer of the Royal Engineers who had been seconded to the civil engineering side of the Government of India. He presided over the Board of Trustees of the Port and was also the Chief Executive Officer, and in addition he managed the affairs of the Settlement. The Settlement, as I have already indicated, was a term which included all the British territory which is now the Colony, and the Settlement Board was the successor of what in fact had been a Municipal Committee. A municipality was formed some while after our occupation of Aden in 1839, but it was not until 1881 that any attempt seems to have been made to produce a set of municipal rules. In 1900 the local authority ceased to be called a Municipal Committee and became known as the Aden Settlement. As such it, in fact, did everything, and rather more, that an ordinary municipality does in this country. The "rather more" being control of the electric light supply and also the water supply, both profitable undertakings which were wrested from it when in 1937 Aden became a Crown Colony and the new Colonial Government was in search of funds.

The next important European officer was the Judicial Assistant, who succeeded in combining with a reasonable degree of success the duties of legal adviser to the Resident and Judge of the District and Sessions Court. The last, but by no means least important of the European officers, was the Commissioner of Police who was seconded from the Indian Police and under the District Magistrate was responsible for the maintenance of law and order.

3-Gt. Brit. Colonial Office G-3 (1938) 1940 MMI Aden MMI

206 The present rates for direct connections are :—

	Rs.
Within a radius of 3 miles of the exchange	300 per annum.
For each additional half mile or fraction thereof	40 " "
An extension in the same building costs	120 " "

XII.—PUBLIC WORKS

653 Public Works in Aden are managed by the Aden Port Trust who maintain a separate staff for this Department. For this service the Port Trust are paid the actual expenditure of this department plus 7½ per cent. for office accommodation, and other incidental expenses.

Works in connection with roads, the development of the water supply and the electricity supply are carried out by the Aden Settlement.

The harbour and wharves are under the control of the Aden Port Trust.

XIII.—JUSTICE, POLICE AND PRISONS

Justice and Crime

692 The Colony has a Supreme Court with unlimited civil and criminal
695 jurisdiction. An appeal lies from the Supreme Court to the High
681 Court of Judicature at Bombay—

(a) in civil cases—

(i) from any final judgment where the value of the subject matter in dispute in appeal is Rs. 5,000 or upwards,

(ii) with the leave of the Supreme Court or the High Court of Judicature at Bombay, from any judgment, final or interlocutory, if, by reason of the importance of the question involved in the appeal or otherwise, the Court is satisfied that leave to appeal ought to be granted ; and

(b) in criminal cases, from any judgment, provided that the sentence imposed is one of imprisonment exceeding six months or of fine exceeding Rs. 500 or is one which includes such imprisonment or fine.

When sentence of death is passed, an appeal, whether lodged or not, is deemed to have been lodged and the Courts concerned act accordingly.

A second appeal lies to His Majesty in Council—

(a) as of right, from any final judgment of the High Court, where the value of the subject-matter in dispute in such second

3 Gt. Brit. Colonial Office G-3 (1938) 1940 ADII Aden 1841

appeal is Rs. 10,000 or upwards, provided that, in case the judgment appealed from affirms the decision of the Supreme Court, the second appeal involves some substantial question of law; and 692 695 681

(b) at the discretion of the High Court, from any other judgment, whether final or interlocutory, if in the opinion of the High Court, the question involved in the second appeal is one of great general or public importance.

The Supreme Court is presided over by a Chief Justice. It is the only Court of Appeal in the Colony, and also has powers of revision. 692

The other Civil Courts in the Colony are:—

(1) The Court of the Registrar, and

(2) The Court of Small Causes.

The Registrar of the Supreme Court is the Judge of both these Courts.

The jurisdiction of the Court of the Registrar extends to all original suits wherein the value of the claim does not exceed Rs. 1,000; but certain suits of a prescribed nature are excluded from the jurisdiction of the Court, e.g.—

Suits concerning acts or orders done or made by officers of Government in their official capacity;

Suits for specific performance or rescission of a contract, rectification or cancellation of an instrument, or an injunction;

Suits relating to a trust;

Suits upon foreign judgments;

Suits for a general average loss or salvage, or compensation in respect of collision between ships;

Suits for restitution of conjugal rights, divorce, or the custody of a minor.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, provided the value of the subject-matter does not exceed Rs. 500.

An appeal lies to the Supreme Court from every decree passed by the Court of the Registrar and from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rs. 50.

Subject to the provisions of any Statute in force in England which expressly applies in the Colony or has been extended thereto by Order in Council and of any enactment for the time being in force in the Colony, and so far as the said Statute or enactment shall not extend or apply the Civil Courts in the Colony exercise their jurisdiction in conformity with usage, and, in the absence of usage in conformity with the substance of the common law, the doctrines of equity, and the Statutes of general application in force in England on 1st of April, 1937. The common law, doctrines of equity and 671 692

R.G. Brit. Colonial Office C-3 (1938) 1940 MAG Aden MAG

671 692 Statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular, the personal law of Mohammedans, Hindus, Jews and Parsees are applied, save in so far as that law has been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance, etc.

The enactments in force in the Colony on the 31st December, 1938, include sixty-three Ordinances, thirty-eight of which were enacted during the period under review, and all Indian and Bombay Acts and Regulations in force in the Colony on 31st March, 1937, not expressly repealed thereafter.

692 The Supreme Court is the only Criminal Court having power to pass a sentence of imprisonment exceeding two years or fine exceeding one thousand rupees. All trials in the Supreme Court are by jury. In the case of Europeans and Americans, the majority of the jurors must be Europeans or Americans. The other Criminal Courts of the Colony are those of—

(1) The Chief Magistrate,

(2) The Divisional Magistrates at Tawahi, Crater, Sheikh Othman and Perim.

An appeal lies to the Supreme Court in all cases in which a sentence of imprisonment exceeding one month or of fine exceeding Rs. 50 has been passed. The Supreme Court has also powers of revision.

695 No sentence of death can be passed on a pregnant woman or a youthful offender. Save in exceptional cases, a youthful offender is dealt with—

681 (1) by placing him on probation, or

(2) by discharging him after due admonition, or

(3) by delivering him to his parent, guardian or relative, who has executed a bond for his good behaviour, or

(4) by a fine, or

(5) by whipping, or

(6) by ordering his detention.

691 There is a considerable amount of petty civil litigation in the Colony. During the period under review, 59 suits of value Rs. 1,55,324-9-0 were filed in the Supreme Court, 333 suits of value Rs. 45,262-13-9 in the Court of the Registrar and 1,525 suits of value Rs. 58,272-7-1 in the Court of Small Causes. 37, including seven of previous years' suits of value Rs. 99,827-13-0 were disposed of by the Supreme Court, 265 suits of value Rs. 32,747-5-9 by the Court of the Registrar, and 1,276 suits of value Rs. 49,439-7-7 by the Court of Small Causes. 28 applications for revision were filed and 43 appeals lodged in the Supreme Court which disposed of 28 such applications and 33 appeals. The miscellaneous proceedings in the Supreme Court included 46 applications concerning guardianship matters, 15 applications for succession certificate, and 52

4-Co. Bds., Colonial Office C-8 (1937) 1939 MME Aden MME

Telephones.

606 655 The Government Telephone Exchange is worked on the central battery system and has a capacity of 200 exchange lines.

Early telephone developments in Aden were associated with the defence of the fortress. The first system (a magneto one) was installed and operated by the military authorities and later, when the Air Ministry became responsible for defence, the control of the telephones naturally passed to that Ministry.

From 1927 onwards endeavours were made to get the Indian Posts and Telegraphs Department to accept responsibility for the system, but it was not till 1932 that the Indian Authorities took it over. By that time the magneto exchange and the overhead lines had reached the end of their useful life. The old system was therefore discontinued and a new central battery system constructed at a cost (including buildings) of about Rupees 1,50,000.

The present rates for direct connections are:—

	Rs.
Within a radius of 3 miles of the exchange ...	300 per annum.
For each additional half mile or fraction thereof ...	40 "

An extension in the same building costs Rs. 120/- per annum.

XII.—PUBLIC WORKS.

653 The public works in Aden are managed by the Aden Port Trust who maintain a separate staff for this department. For this service the Port Trust are paid the actual expenditure of this department plus 7½ per cent. for office accommodation and other incidental expenses.

A general programme of minor works was carried out. Provision was also made for the construction of quarters for the Chief Justice, the Legal Adviser and the Education Officer, but these houses were only partially complete at the end of the year.

Two of the Political Officers' bungalows, started in December, 1936, were completed and occupied and the bungalow for the third Political Officer was started.

Works in connection with roads, the development of the water supply and the electricity supply were undertaken by the Aden Settlement.

The harbour and wharves are under the control of the Aden Port Trust. General works of improvement were carried out during the year.

XIII.—JUSTICE, POLICE AND PRISONS.

Justice and Crime.

692 The Colony has a Supreme Court with unlimited civil and criminal jurisdiction. An appeal lies from the Supreme Court to the High Court of Judicature at Bombay—

4 Gr. Bkt. . Colonial Office G-3 (1937) 1939 MM1 Aden MM1

692

(*a*) in civil cases—

(i) from any final judgment where the value of the subject-matter in dispute in appeal is Rs.5,000 or upwards,

(ii) with the leave of the Supreme Court or the High Court of Judicature at Bombay, from any judgment, final or interlocutory, if, by reason of the importance of the question involved in the appeal or otherwise, the Court is satisfied that leave to appeal ought to be granted; and

(*b*) in criminal cases, from any judgment, provided that the sentence imposed is one of imprisonment exceeding six months or of fine exceeding Rs.500 or is one which includes such imprisonment or fine.

When sentence of death is passed, an appeal, whether lodged or not, is deemed to have been lodged and the Courts concerned act accordingly.

A second appeal lies to His Majesty in Council—

(*a*) as of right, from any final judgment of the High Court, when the value of the subject matter in dispute in such second appeal is Rs.10,000 or upwards, provided that, in case the judgment appealed from affirms the decision of the Supreme Court, the second appeal involves some substantial question of law; and

(*b*) at the discretion of the High Court, from any other judgment, whether final or interlocutory if in the opinion of the High Court, the question involved in the second appeal is one of great general or public importance.

The Supreme Court is presided over by a Chief Justice. It is the only Court of appeal in the Colony and also has powers of revision.

The other Civil Courts in the Colony are:—

(1) the Court of the Registrar, and

(2) the Court of Small Causes.

The Registrar of the Supreme Court is the Judge of both these Courts.

The jurisdiction of the Court of the Registrar extends to all original suits wherein the value of the claim does not exceed Rs.1,000; but certain suits of a prescribed nature are excluded from the jurisdiction of the Court, e.g.,

Suits concerning acts or orders done or made by officers of Government in their official capacity;

suits for specific performance or rescission of a contract, rectification or cancellation of an instrument, or an injunction;

suits relating to a trust;

suits upon foreign judgments;

4-Gt. Brit., Colonial Office G-8 (1937) 1939 MMI Aden MMI

692 suits for a general average loss or salvage, or compensation in respect of collision between ships;

suits for restitution of conjugal rights, divorce, or the custody of a minor.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, provided the value of the subject matter does not exceed Rs.500.

An appeal lies to the Supreme Court from every decree passed by the Court of the Registrar and from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rs.50.

Subject to the provisions of any Statute in force in England which expressly applies in the Colony or has been extended thereto by Order in Council and of any enactment for the time being in force in the Colony, and so far as the said Statute or enactment shall not extend or apply, the Civil Courts in the Colony exercise their jurisdiction in conformity with usage, and, in the absence of usage, in conformity with the substance of the common law, the doctrines of equity, and the Statutes of general application in force in England on the 1st April, 1937.

671 692 The common law, doctrines of equity and Statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular, the personal laws of Mohammedans, Hindus, Jews and Parsees are applied, save in so far as these laws have been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance, etc.

671 The enactments in force in the Colony on the 31st December, 1937, include twenty-five Ordinances enacted during the period under review and all Indian and Bombay Acts and Regulations in force in the Colony on the 31st March, 1937, not expressly repealed thereafter.

692 The Supreme Court is the only Criminal Court having power to pass a sentence of imprisonment exceeding two years or fine exceeding one thousand rupees. All trials in the Supreme Court are by jury. In the case of Europeans and Americans, the majority of the jurors must be Europeans or Americans. The other Criminal Courts of the Colony are those of—

(1) the Chief Magistrate,

(2) Divisional Magistrates at Tawahi, Crater, Sheikh Othman and Perim.

An appeal lies to the Supreme Court in all cases in which a sentence of imprisonment exceeding one month or of fine exceeding Rs.50 has been passed. The Supreme Court has also powers of revision.

4-Gt. Brit. Colonial Office G-3 (1937) 1939 M341 Aden M341

Offence.	Number of cases.
691 Voluntarily causing hurt	163
Assault	139
Other offences against the person	32
Theft	57
Other offences against property	55
Insult	383
Affray	183
Other offences punishable under the Indian Penal Code	63
Cruelty to animals	20
Offences punishable under the Police Ordinance	390
Offences punishable under the Indian Motor Vehicles Act	478
Offences punishable under the Aden Settlement Regulation	161
Offences punishable under other enactments	30

681 The various punishments imposed during the year in respect of the convictions in the Courts of the Magistrates were as follows:—

Imprisonment with or without fine	133
Whipping	17
Fine only	813
Bound over or otherwise dealt with	13

691 Eighty-four applications for maintenance were made in the Courts of the Magistrates. Orders for maintenance were granted in 36 cases.

691 692 The offences in respect of which persons were tried in the Supreme Court were:—

(1) Theft with 11 previous convictions;

(2) misappropriation of a postal letter while in course of transmission by post; criminal breach of trust as a public servant in respect of the said letter; and dishonestly using as genuine a receipt in respect of the said letter, knowing it to be forged.

Nine criminal appeals were lodged and 38 proceedings in revision taken in the Supreme Court. Twenty-six of such proceedings arose out of applications and twelve were taken by the Court *suo motu*. In one appeal the case was remanded for retrial, and eight appeals were dismissed. Twenty applications for revision were dismissed. As a result of one such application, sentence was enhanced; as the result of another, sentence was reduced; and in the case of four, convictions were set aside. In revisional proceedings taken by the Court *suo motu*, sentence was enhanced in six cases and varied in one case, no action being taken in the remaining cases.

693 There are five lawyers practising in the Courts of the Colony, three being Hindus, one a Mohammedan, and one a Parsee. Sanads are granted by the Supreme Court under rules made under the Supreme Courts Ordinance. Two of these lawyers are barristers-at-law and the other three have Indian legal qualifications.

S.Gr. Bkt., Colonial Office G-5 (1947) 1948 MISC Aden/MISC

657 735 Government which contributes Rs. 50,000 per annum, dispenses relief to the aged and infirm. A voluntary committee also collects materials and funds, especially for children's welfare. Provision is made in the Colony Estimates for Rs. 13,000 on welfare staff and Rs. 3,000 on transport, etc.

There are no social welfare officers or probation officers at present; the appointment of a social welfare officer has been approved, but he has not yet been appointed. An assistant welfare officer who was trained in the United Kingdom arrived in December, 1947, and has taken up his duties.

Chapter 8: Legislation

646 The year 1947 saw the first session of Legislative Council in this Colony. Four sittings were held, in January and April respectively. Thirteen Bills were passed, which included two important new measures, the Rent Restrictions Ordinance and the Widows' and Orphans' Pensions Ordinance.

For approximately the first nine months of the year the post of Attorney-General was vacant. This threw a great deal of extra work on the Crown Counsel and unavoidably affected the drafting of new legislation.

Chapter 9: Law and Order

JUSTICE

692 695 The Colony has a Supreme Court with unlimited civil and criminal jurisdiction. An appeal lies from the Supreme Court to the High Court of Judicature at Bombay*:

(a) in civil cases:

(i) from any final judgment where the value of the subject-matter in dispute in appeal is Rs. 5,000 or upwards;

(ii) with the leave of the Supreme Court or the High Court of Judicature at Bombay, from any judgment, final or interlocutory, if, by reason of the importance of the question involved in the appeal or otherwise, the Court is satisfied that leave to appeal ought to be granted; and

(b) in criminal cases from any judgment, provided that the sentence imposed is one of imprisonment exceeding six months or of fine exceeding Rs. 500 or is one which includes such imprisonment or fine.

When sentence of death is passed, an appeal, whether lodged or not is deemed to have been lodged, and the Courts concerned act accordingly.

A second appeal lies to His Majesty in Council:

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* Appeal to the High Court at Bombay has since been abolished and appeal to the Court of Appeal in Nairobi has been substituted.

R.G. Rec., Colonial Office G-8 (1947) 1940 MM1 Aden [illegible]

(a) as of right, from any final judgment of the High Court, where the value of the subject-matter in dispute in such second appeal is Rs. 10,000 or upwards, provided that, in case the judgment appealed from affirms the decision of the Supreme Court, the second appeal involves some substantial question of law; and

(b) at the discretion of the High Court, from any other judgment, whether final or interlocutory, if in the opinion of the High Court the question involved in the second appeal is one of great general or public importance.

The Supreme Court is presided over by a Judge of the Supreme Court. It is the only Court of Appeal in the Colony, and also has powers of revision.

The other Civil Court in the Colony is the Court of Small Causes, presided over by the Registrar of the Supreme Court, who is *ex officio* the Judge of the Court of Small Causes and is also the Chief Magistrate. Provision is also made for the appointment of an additional Judge of the Court of Small Causes. In practice the Chief Magistrate and one of the other magistrates sit separately as Judge or additional Judge of the Court of Small Causes.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, if the value of the subject-matter does not exceed Rs. 500. An appeal lies to the Supreme Court from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rs. 50.

Subject to the provisions of any statute in force in England expressly applied to the Colony, or which has been extended thereto by Order in Council, and of any enactment for the time being in force in the Colony, and so far as the said statute or enactment does not extend or apply, the civil courts in the Colony exercise their jurisdiction in conformity with usage, and in the absence of usage in conformity with the substance of the common law, the doctrines of equity and statutes of general application in force in England on 1st April, 1937. The common law, doctrines of equity and statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular, the personal law of Mohammedans, Hindus, Jews and Parsees is applied, save in so far as that law has been expressly superseded by legislation, in matters of marriage, divorce, guardianship, inheritance and certain other matters.

On both the civil and criminal sides the procedure of the Courts is governed by ordinances which are based on Indian models.

The Supreme Court is the only criminal court having power to pass a sentence of imprisonment for a term exceeding two years or fine exceeding Rs. 1,000. All criminal trials in the Supreme Court are by jury. In the case of Europeans and Americans the majority of the jurors must be Europeans or Americans.

There are three magistrates, including the Chief Magistrate, who

S.O.L. Bib., Colonial Office C-S (1947) 1948 MAC Aden 44/4

693 individually exercise the powers of a magistrate of the first class as provided by the Criminal Courts Ordinance, 1937, and regular sittings are held at Crater, Tawahi and Sheikh Othman.

•692 695 An appeal lies from the Magistrate's Court to the Supreme Court in all criminal cases in which a sentence of imprisonment exceeding one month or fine exceeding Rs. 50 has been passed, and the Supreme Court has also powers of revision.

No sentence of death can be passed on a pregnant woman or a person under the age of 18 years.

A youthful offender may be dealt with by placing him on probation, or by discharging him after due admonition, or by delivering him to his parent, guardian or relative, who has executed a bond for his good behaviour, or by fine, or by whipping, or by ordering his detention.

The Courts performed their usual functions throughout the year. On the criminal side there was an increase of cases both in the Supreme Court and in the Magistrates' Courts. In the Lower Courts there was a very considerable increase in petty offences such as infringements of the Port Rules and minor infringements of the Traffic Ordinance and Rules.

[693] Although there were eight professional pleaders in the Colony, in the
694 great majority of civil cases even in the Supreme Court one or both parties appeared in person without a pleader. This fact and the Indian procedure as followed in the Colony whereby every step in pleadings involves an appearance before the Judge causes a great deal of delay. On the criminal side in the Magistrates' Courts similar delay is caused by the fact that a preliminary enquiry has to be made in every case punishable with imprisonment for a term exceeding six months before the accused can be charged and required to plead. This requirement exists irrespective of the facts of any particular case and even though the case is one that may be tried summarily without recording the evidence.

Owing to the increase of work, Government agreed to the appointment of a second magistrate of the first class on a contractual basis.

691 There is a considerable amount of civil litigation in the Colony. During the year 1947, 304 civil suits were filed in the Supreme Court and 326 civil suits were finally decided. Ten applications for civil revision were filed and decided. Twenty-three civil appeals were lodged in the Supreme Court which disposed of all. The miscellaneous proceedings in the Supreme Court included 30 applications concerning guardianship matters, 10 for succession certificates, 58 for heirship certificates, two for letters of administration, one for probate; and excluding execution proceedings and interlocutory applications, there were 22 other applications, making in all 123. The corresponding disposals were 34, 10, 63, 1, 1, and 23 respectively, making in all 132.

Twenty-six estates were in charge of the Supreme Court.

586 All six cases for dissolution of Mohammedan marriages filed during the year were disposed of.

674 Eleven criminal cases were committed to the Supreme Court during 1947 for trial, out of which nine were disposed of during the year and the remaining two were heard and decided in January, 1948.

S.Gt. Brit., Colonial Office G-3 (1947) 1949 MDG Aden MM

681 The various punishments imposed during the year in respect of the convictions in the Magistrates' Courts were as follows:

Imprisonment with or without fine	928
Whipping	83
Fine only	3,513

691 Four hundred and fifty-seven applications for maintenance were made in the magistrates' Courts. In 306 cases orders for maintenance were granted, and in the remaining cases maintenance was disallowed.

692 The magistrates are required to submit monthly returns of the criminal cases decided in their courts on the same lines as in East Africa. This system has kept the Supreme Court in close touch with the current work of the Magistrates' Courts and enables due supervision to be effected. Magistrates are also required to submit to the Supreme Court for inspection the record of any case in which a sentence of corporal punishment is awarded.

REGISTRATION

617 The Registration Department is in charge of the Registrar of Documents, who is also Registrar-General of Births, Deaths and Marriages for the Colony of Aden.

693 During the year under review, His Honour the Judge of the Supreme Court was in charge of the offices referred to above.

Registration of Testamentary and Non-Testamentary Documents

The total number of documents presented during 1947 was 443.

Thirty applications for copies, searches and inspections were received, and disposed of. The number of visits paid by the Sub-Registrar to private residences was 39.

Registration of Firms

Nineteen applications for registration of firms under the Partnership Ordinance, 1939, were received.

Bills of Exchange

The total number of Bills of Exchange noted and protested under the Bills of Exchange Ordinance, 1941, was 30.

Income

651 The total income from registration documents and firms and notarial charges was Rs. 7,984.

POLICE

674 Serious crime remained about the same as in the previous year. The acid-throwing attack in August, 1947, on the Matron of the Civil Hospital,

S.Ot. Brit., Colonial Office C-3 (1947) 1948 MDG Aden 48/91

Under the provisions of the Aden Colony (Amendment) Order, 1944, a Legislative Council was constituted for the Colony of Aden. The Council was inaugurated in January, 1947, and consists of the Governor as President, 4 *ex-officio* members, not more than 4 official members, and not more than 8 unofficial members. A list of members of the Executive and Legislative Councils is attached as Appendix I.

The Governor of the Colony is also Governor of the Aden Protectorate, which is not administered by the Colony Government. In each of the Western and Eastern Protectorates the Governor is represented by a British Agent, who deals with the various Rulers and Treaty Chiefs on the basis of treaties concluded with them.

There is no one Government for the Aden Protectorate; various Rulers and Chiefs are in protective treaty relations with His Majesty's Government. The Protectorate includes the island of Socotra.

The administration of justice within the Colony is entrusted to the Supreme Court, a Court of Small Causes for certain specified civil cases and Magistrates' Courts for criminal cases. The law of the Protectorate is largely tribal custom, but in certain chiefdoms the Shari'a code of Moslem law is recognised, especially in the Quaiti State of Shihr and Mukalla (ruled by His Highness Sultan Sir Saláh bin Ghalib al Quaiti, K.C.M.G.), which States legislates by published decrees.

During 1947 the local government of the Colony remained vested in the two Township Authorities, the larger being vested in the Fortress Township Authority and the area covered by it embracing the Isthmus and Peninsula with a civilian population of close on 60,000. The Military and the R.A.F. establishments are within this area. The other Authority is known as Sheikh Othman Township Authority and takes its name from the built-up township of 21,000 persons, all non-European, situated some four miles from the Isthmus. The area covered by it includes this township and the remainder of the Colony in which are to be found four small coastal villages the inhabitants of which earn their livelihood mainly by fishing, basket-making and lime-burning, and who look to the built-up area of Sheikh Othman as their main shopping centre. The total population of these villages is approximately 2,000.

The members of the Boards which administer the local government of these two areas are at present appointed by the Governor. The Township Authorities hold fortnightly meetings to superintend the various municipal services such as the control of markets, the maintenance of public health and sanitary services and roads, the provision of recreational facilities for the public and the control of building operations. It has still been found necessary to maintain foodstuff stalls in the public markets in order to ensure that the majority of the population can purchase essential foodstuffs, such as sugar and rice, at Government controlled prices.

During the year the Authorities opened a new market for petty traders and hawkers, a new public bathing-place where baths, with soap and towels provided, can be secured at a nominal fee, and a new cattle stable to accommodate 350 milk cows at Sheikh Othman.

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H.Co. Brit., Colonial Office C-3 (1948) [illegible] Aden [illegible]

tary arrangements, was begun under the aegis of the Aden Settlement in 1943, and this policy is being continued by Government.

During the war and for a period afterwards, for a variety of reasons (principally large military constructional works, increase in the strength of the Garrison, and famine in the hinterland), the floating population increased considerably, and in the absence of proper accommodation were perforce allowed to construct and live in *barasha* huts in specially demarcated areas.

While control is exercised as far as is possible to prevent epidemics, there are slum areas, which can only be cleared by Government building several hundred working-class houses at a sub-economic rent; areas for this purpose are being reserved under the Town Planning Scheme.

The Town Planning Scheme is gradually taking shape, but in the absence of adequate trained staff, the work can only make slow progress.

SOCIAL WELFARE AND RELIEF

There are no social insurance schemes in Aden Colony.

A Government social welfare organisation is being built up gradually, but has been handicapped through lack of staff. A Poor Relief Committee, financed partly through public subscriptions, but notably through Government which contributes Rs. 30,000 per annum, dispenses relief to the aged and infirm. A voluntary committee also collects materials and funds, especially for children's welfare.

There are no social welfare officers or probation officers at present; the appointment of a social welfare officer has been approved, but he has not yet been appointed. An Assistant Welfare Officer who was trained in the United Kingdom arrived in December, 1947, and has taken up his duties.

Chapter 8: Legislation

Twenty-seven Ordinances were passed during the year 1948, of which the following are the more important:

Income Tax (Relief Amendment) Ordinance, 1948, No. 3, which gives family relief in respect of one wife and not more than four children. The loss involved by this concession has been provided against by increasing taxation in the higher grades.

Prisons (Amendment) Ordinance, 1948, No. 4, which carries out the recommendation of a locally appointed Prison Reform Committee by reducing the number of prison offences which are punishable with whipping.

Widows' and Orphans' Pensions (Amendment) (No. 2) Ordinance, 1948, No. 19, which provides *inter alia* that a certain class of employee of the Aden Port Trust shall be eligible to contribute.

Aden Protectorate Levies (Amendment) Ordinance, 1948, No. 20, which provides for the grant of pensions to native officers and enlisted clerks.

Appeals to the Court of Appeal Ordinance, 1948, No. 22, which

R.Gt. Brit. . Colonial Office G-3 (1948) 1950 [illegible] Aden [illegible]

692 provision for appeals from the Supreme Court to be heard by the Court of Appeal for Eastern Africa. Prior thereto appeals lay, under Article 20 of the Aden Colony Order, 1936, to the High Court of Judicature at Bombay. Before the introduction of this Ordinance that Article was revoked, and Orders in Council were made which extended to Aden the provisions of the Eastern African Court of Appeal Order-in-Council, 1951, and included Aden with the East African territories in the right of final appeal to the Judicial Committee of the Privy Council.

Criminal Court (Amendment) (No. 2) Ordinance, 1948, No. 23, which contains amendments consequential on the change in the Appeal Court; and in particular prescribes more fully than previously the procedure to be followed after a sentence of death.

659 Antiquities Ordinance, 1948, No. 24, which repeals the Antiquities Ordinance, 1941, and makes more comprehensive provision for the preservation of objects of archæological interest, proper and scientific excavation, the control of export and import of antiquities and for the ultimate disposal of those found by licensed excavators.

278 Penicillin Ordinance, 1948, No. 25, which is to ensure that penicillin is used only on the advice of qualified persons.

362 A Bill entitled an Ordinance to make provision for Town Planning was introduced in the final session of Legislative Council and passed its second reading. It was referred to a Select Committee for reporting back to the Council in the first session of 1949. The Bill is a comprehensive one, there being no town planning legislation at the present time.

579 The normal work of the Legal Department was hampered during the
647 early months of the year as a result of the aftermath of the riots which took
692 place in December, 1947. In particular there was an official enquiry conducted by Sir Harry Trusted, K.C.M.G., K.C., at which the Department was represented; there were a large number of prosecutions for offences during the riots, and into appeals following thereon; and there was an enquiry by the Crown Counsel, appointed a Special Magistrate for the purpose, into some 800 claims under section 16 of the Police Ordinance, 1937, for damage suffered by members of the public during the riots. The investigation of these claims alone took approximately five months.

000 The Revised Edition of the Ordinances which was referred to in the Report for 1946 as being ready for printing in January, 1946, is still not ready for publication owing to the pressure of work on the persons concerned in the United Kingdom in indexing and printing. It is understood however that more than half of the work has been completed and it is hoped that the publication will be possible in the near future.

Chapter 9: Law and Order

JUSTICE

692 The Colony has a Supreme Court with unlimited civil and criminal jurisdiction. Up to 30th September, 1948, an appeal lay from the Supreme Court to the High Court of Judicature at Bombay. As from

R.Gl. Bill., Colonial Office G-3 (1948) 1950 MAR. Adm M.44)

1st October, 1948, appeals lie from the Supreme Court to the Court of Appeal for Eastern Africa instead of the High Court of Judicature at Bombay.

Since 1st October, 1948, the extent of the right of appeal is as follows:

In criminal cases:

1. Any person convicted on a trial held by the Supreme Court may appeal to the Court of Appeal

(a) on a matter of law; provided that for the purposes of this section a matter of law shall not be taken to include severity of sentence, and

(b) with the leave of the Court of Appeal or upon the certificate of the Judge who tried the case that it is a fit case for appeal on any ground of appeal which involves a question of fact alone or a question of mixed law and fact or any other ground which appears to the Supreme Court to be a sufficient ground of appeal, and

(c) with the leave of the Court of Appeal against the sentence passed on conviction unless such sentence is one fixed by law.

2. Any party to criminal proceedings held before the Supreme Court in its appellate jurisdiction may appeal to the Court of Appeal on a matter of law but not on a matter of fact; provided that for the purposes of this section a matter of law shall not be taken to include severity of sentence.

3. In the case of a sentence of death

(a) the sentence shall not be executed until after the expiration of the time within which a memorandum of appeal against the sentence may be presented;

(b) if a memorandum of appeal is filed the sentence shall not be executed until the appeal has been disposed of or abandoned;

(c) if a petition for leave to appeal or for leave to file a memorandum of appeal out of time is presented the sentence shall not be executed until leave to appeal or to file the memorandum of appeal out of time has been refused or the appeal has been disposed of or abandoned.

Provided that if the sentence has been confirmed by the Governor it may be executed without further extension notwithstanding that a petition for leave to appeal or to file a memorandum of appeal out of time may have been presented after the time for appeal has expired.

In civil cases:

1. Subject to any rules which may be made, an appeal shall lie in civil cases from the Supreme Court to the Court of Appeal

(a) as the right, from any final judgment of the Supreme Court where the appeal involves, directly or indirectly, some claim or question respecting property or some civil right of the value of two thousand rupees or upwards;

(b) with the leave of the Supreme Court, from any other judgment of the Supreme Court, whether final or interlocutory, if, by reason of the importance of the question involved in the appeal or other-

G.O. Bill. Colonial Office G-3 (1948) 1950 M&S Aden M&J

695 wise, the Court is satisfied that leave to appeal ought to be granted;

(c) with the leave of the Court of Appeal where the Supreme Court has refused to give leave to appeal under paragraph (b) of this sub-section and the Court of Appeal considers that leave to appeal ought to be granted.

6. The Governor in Council may by Rules prescribe, or enable Rules of Court to be made prescribing the imposition upon rights of appeal of conditions as to the giving of security or otherwise.

A second appeal lies to His Majesty in Council in certain cases.

692 The Supreme Court is presided over by a judge of the Supreme Court. It is the only Court of Appeal in the Colony, and also has powers of revision.

The other Civil Court in the Colony is the Court of Small Causes, presided over by the Registrar of the Supreme Court who is *ex officio* the Judge of the Court of Small Causes and also the Chief Magistrate. Provision is also made for the appointment of an additional Judge of the Court of Small Causes. In practice the Chief Magistrate and one of the other Magistrates sit separately as Judge and Additional Judge of the Court of Small Causes.

The Court of Small Causes has jurisdiction, save as regards certain suits excepted from its cognizance, if the value of the subject matter does not exceed Rupees 30. An appeal lies to the Supreme Court from every decree passed by the Court of Small Causes provided that the value of the claim exceeds Rupees 50.

Subject to the provisions of any statute in force in England expressly applied to the Colony or which has been extended thereto by Order-in-Council and of any enactment for the time being in force in the Colony and so far as the said statute or enactment does extend or apply, the civil courts in the Colony exercise their jurisdiction in conformity with usage, and in the absence of usage, in conformity with the substance of the common law, the doctrines of equity, and statutes of general application in force in England on 1st April, 1937. The common law, doctrines of equity and statutes of general application are applied so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances may render necessary. In particular the personal law of Mohammedans, Hindus, Jews and Parsis is applied, save in so far as that law has been expressly superseded by legislation, in matter of marriage, divorce, guardianship, inheritance and certain other matter.

[671] On both the civil and criminal sides the procedure of the Courts is governed by Ordinances which are based on Indian models.

The Supreme Court is the only criminal court having power to pass a sentence of imprisonment for a term exceeding two years or fine exceeding Rs. 1,000. All criminal trials in the Supreme Court are by jury. In the case of Europeans and Americans, the majority of the jurors must be Europeans or Americans.

G.Gt. Brit., Colonial Office C-S (1948) 1950 MMI Aden

No sentence of death can be passed on a pregnant woman or a person under the age of sixteen years.

A youthful offender may be dealt with:

(1) by placing him on probation, or
(2) by discharging him after due admonition, or
(3) by delivering him to his parent, guardian, or relative, who has executed a bond for his good behaviour, or
(4) by fine, or
(5) by whipping, or
(6) by ordering his detention.

There are three Magistrates including the Chief Magistrate who individually exercise the powers of a Magistrate of the first class as provided by the Criminal Courts Ordinance 1937, and regular sittings are held at Crater, Tawahi and Sheikh Othman.

An appeal lies from the Magistrate's Court to the Supreme Court in all criminal cases in which a sentence of imprisonment exceeding one month or fine exceeding Rs. 50 has been passed and the Supreme Court has also powers of revision.

During the year Rent Tribunals were set up for the assessment of the standard rent of lettings. The Tribunals are not staffed by the Judicial Department but the Supreme Court can entertain an appeal from the decision of a Tribunal.

The Courts performed their usual functions throughout the year. On the criminal side there has been an increase of cases in the Magistrates' Courts.

In addition to His Honour the Judge of the Supreme Court the Judicial Staff consisted of Mr. Nunn, Chief Magistrate and Messrs. Mansoor and Kazi, Magistrates of the first class. During the year Mr. Nunn was on leave from 2nd June, 1948, to 4th October, 1948, during which period Mr. Mansoor acted as Chief Magistrate and Judge of the Small Causes Court and Mr. Kazi continued to act as Additional Judge of the Small Causes Court.

Although there were seven professional pleaders in the Colony, in the great majority of civil cases even in the Supreme Court one or both parties appeared in person without a pleader. This fact and the Indian procedure as followed in the Colony whereby every step in pleadings involves an appearance before the Judge causes a great deal of delay which could be obviated by procedural reform. On the criminal side in the Magistrates' Courts similar delay is caused by the fact that a preliminary enquiry has to be made in every case punishable with imprisonment for a term exceeding six months before the accused can be charged and required to plead. This requirement exists irrespective of the facts of any particular case and even though the case is one that may be tried summarily without recording the evidence.

There is a considerable amount of civil litigation in the Colony. During 1948, 459 civil suits were filed in the Supreme Court and 326 civil suits were finally decided. Six applications for civil revision were filed and all were decided. Twenty-eight civil appeals were lodged in

S.Gl. Brit., Colonial Office G-3 (1948) 1950 MM1 Aden M.M.

Applications for revision on the criminal side totalled 19, of which 10 were dismissed. In eight cases convictions and sentences were set aside and appellants acquitted. In one case the conviction was altered and sentence reduced. 685

In the Small Causes Court 856 suits were filed and 853, including no cases of the previous year, were disposed of during the period under review. 679

The following table contains a classified summary of the criminal cases decided in the Magistrate's Courts in the year 1948:

Number of Persons

Males	*Females*	*Total*	*Convictions*	*Discharged or acquitted*
11,666	722	12,388	6,804	5,584

Four cases involving six persons were committed to the Supreme Court.

Offences	*No. of persons*
Offences punishable under Motor Traffic Ordinance and Rules	3,801
Voluntarily causing hurt	242
Assault	287
Other offences against the person	603
Theft	340
Other offences against property	149
Insult	395
Affray	419
Other offences punishable under the Indian Penal Code	625
Offences punishable under the Police Ordinance	3,081
Offences punishable under the Township Rules	1,118
Offences punishable under other laws including Port Rules	1,320
Offences punishable under the Cruelty to Animals Rules	8
TOTAL	12,388

The various punishments imposed during the year in respect of the convictions in the Courts of the Magistrates were as follows: 691

Imprisonment with or without fine	1,161
Whipping	30
Fine only	4,799

Five hundred and sixty-one applications for maintenance were made in the Magistrates' Courts. In 320 cases orders for maintenance were granted, and in the remaining cases, maintenance was disallowed. 691

The Magistrates are required to submit monthly returns of the criminal cases decided in their courts on the same lines as in East Africa. This system has kept the Supreme Court in closer touch with the current work of the Magistrates' Courts and enables closer supervision to be 692

S.Gr. Brit. Colonial Office G-1 (1948) 1950 1951 Aden M 41

672 effected. Magistrates are also required to submit to the Supreme Court for inspection the record of any case in which a sentence of corporal punishment is awarded.

REGISTRATION

659 The Registration Department is in charge of the Registrar of Docu-
156 ments, who is also Registrar-General of Births, Deaths and Marriages for the Colony of Aden.

During the year under review, His Honour the Judge of the Supreme Court was in charge of the offices referred to above.

Registration of Testamentary and Non-Testamentary Documents

The total number of documents presented during the year under report was 375.

Sixty-seven applications for copies, searches and inspections were received, and disposed of.

The number of visits paid by the Sub-Registrar to private residences was 42.

Registration of Firms

Twenty applications for registration of firms under the Partnership Ordinance, 1939, were received.

Bills of Exchange

The total number of bills of exchange noted and protested under the Bills of Exchange Ordinance, 1941, was 55.

Powers of Attorney

The total number of powers of attorney attested or authenticated was seven.

Income

651 The total income for registration of documents, firms and notarial charges was Rs. 6,926.

Duties Performed by the Sub-Registrar

The Sub-Registrar performs the duties of Notary Public, Registrar of Births and Deaths, Registrar of Parsi Marriages, Registrar of Firms, Trade Marks, Patents and Designs, and acts as a Personal Assistant to the Registrar of Documents and the Registrar-General of Births, Deaths and Marriages.

POLICE

625 The Police Force has a total strength of 640. The proportion of Police to population is approximately 1 in 125. The Force comprises Aden Arabs, Aden Protectorate Arabs, Indians and Somalis and is officered by members of the Colonial Police Service. It is divided into two distinct units, the Civil Police and the Armed Police. The former perform normal

S.Co. Bot., Colonial Office C-3 (1948) 1950 30521 Aden 68,65

Aden Colony also includes Perim Island which is administered by an Administrator who is also the Commissioner of Police, Aden. The population of the island is 381. The majority of the inhabitants are fishermen, and dried fish is exported to Aden. In the past there has been pearl fishing, but this year no pearl fishing contract was taken.

There is a small Police detachment on the island together with medical staff and lighthouse staff.

There is no natural water supply on the island; sea-water distilling plant provides sufficient water for the supply of the population and for the occasional ship which comes in for emergency water supplies.

Up to the end of 1948 Cable & Wireless Ltd. maintained communication by marine cable. The cable became unserviceable in 1948, and it was decided not to repair it. It is likely that communication will soon be established by wireless. A R.A.F. airplane makes a flight to the island once weekly and carries mail and passengers from Aden.

The Governor of the Colony is also Governor of the Aden Protectorate, which is not administered by the Colony Government. In each of the Western and Eastern Protectorates the Governor is represented by a British Agent, who deals with the various Rulers and Treaty Chiefs on the basis of treaties concluded with them.

There is no one Government for the Aden Protectorate; various Rulers and Chiefs are in protective treaty relations with His Majesty's Government. The Protectorate includes the island of Socotra.

The administration of justice within the Colony is entrusted to the Supreme Court, a Court of Small Causes for certain specified civil cases and Magistrates' Courts for criminal cases. The law of the Protectorate is largely tribal custom, but in certain chiefdoms the Shari'a code of Moslem law is recognized, especially in the Qu'aiti States of Shihr and Mukalla (ruled by His Highness Sultan Sir Saiyid bin Ghalib al Qu'aiti, K.C.M.G.), which State legislates by published decrees.

During 1948 the local government of the Colony remained vested in two Township Authorities. The larger is known as the Fortress Township Authority and the area covered by it embraces the Isthmus and Peninsula with a civilian population of close on 60,000. The Military and the R.A.F. establishments are within this area. The other Authority is known as Sheikh Othman Township Authority and takes its name from the built up township of 21,000 persons, all non-Europeans, situated some four miles from the Isthmus. The area governed by it includes this township and the remainder of the Colony in which are to be found four small coastal villages the inhabitants of which earn their livelihood mainly by fishing, basket making and lime burning, using shells collected on the sea shore for this last purpose, and who look on the built up area of Sheikh Othman as their main shopping centre and the place in which they find their simple means of recreation. The total population of these villages is approximately 2,000.

The Township Authorities hold fortnightly meetings in the exercise of their functions of superintending various services of municipal character, such as control of markets, maintenance of public health and sanitary

S. Gt. Brit., Colonial Office G-8 (1949-[a]) 1951 M941 Aden P[illegible]

671 The Exchange Control Ordinance, which supersedes the Defence (Finance) Regulations, 1940. It follows the United Kingdom Exchange Control Act of 1947.

Chapter 9: Law and Order

JUSTICE

692 Aden Colony has a Supreme Court with unlimited civil and criminal jurisdiction presided over by a Judge of the Supreme Court. There are subordinate Civil and Criminal Courts. Subordinate civil business is transacted by the Court of Small Causes. In addition, there are Magistrates' Courts which hold sessions at Crater, Tawahi and Sheikh Othmen. The Registrar of the Supreme Court is the Chief Magistrate.

The Supreme Court enjoys both an original and an appellate jurisdiction, appeal lying from the Court of Small Causes in civil matters and from the Magistrates' Courts in criminal matters.

From the Supreme Court, exercising its original jurisdiction, there is an appeal, in certain circumstances, to the Court of Appeal for Eastern Africa, provided that, in civil matters, the claim is in respect of a sum of Rs. 2,000 or upwards.

In May, 1949, the acting Judge proceeded into the Western Aden Protectorate in order to try a case of murder. This was the first occasion on which a Judge of the Supreme Court has sat outside the boundaries of the Colony.

During 1950 the Judge of the Supreme Court was invited twice to sit on the Court of Appeal for Eastern Africa at Nairobi and Dares Salaam.

696 The following criminal cases were heard by the Supreme Court :
692 1949 :

Charge :	*Result :*
Murder	Convicted of culpable homicide and sentenced to 15 months rigorous imprisonment.
Culpable homicide ..	Convicted of simple hurt and sentenced to one day simple imprisonment.
Murder	Convicted and executed after appeal to the Privy Council had been dismissed.
Murder	Convicted ; on appeal to the East African Appeal Court found guilty but insane and detained in custody.

G. Brit., Colonial Office G-8 (1949-50) 1951 MMI Aden

ADEN COLONY

Aden Colony also includes Perim Island which is administered by an Administrator who is also the Commissioner of Police, Aden. The population of the island is 381. The majority of the islanders are fishermen, and dried fish is exported to Aden. In the past there has been pearl fishing, but this year no pearl fishing contract was taken. There is a small police detachment on the island together with customs and lighthouse staff.

Up to the end of 1948, Cable & Wireless Ltd. maintained communication with Perim by marine cable. The cable became unserviceable in 1948, and it was decided not to repair it. It is likely that communication will soon be established by wireless. A R.A.F. airplane makes a flight to the island once weekly and carries mail and passengers from Aden.

The Governor of the Colony is also Governor of the Aden Protectorate, which is not administered by the Colony Government. There is no one Government for the Aden Protectorate; various Rulers and Chiefs are in protective treaty relations with His Majesty's Government. In each of the Western and Eastern Protectorates the Governor is represented by a British Agent.

The Protectorate includes the island of Socotra.

The administration of justice within the Colony is entrusted to the Supreme Court, a Court of Small Causes for certain specified civil cases and Magistrates' Courts for criminal cases. The law of the Protectorate is largely tribal customs, but in certain chiefdoms the Shari' a code of Muslim law is recognized, especially in the Qu'aiti State of Shihr and Mukalla (ruled by His Highness Sultan Sir Sa'ih bin Ghalib al Qu'aiti K.C.M.G.), which State legislates by published decrees.

LOCAL GOVERNMENT

There are two local government bodies in the Colony: the larger is known as the Fortress Township Authority and the area governed embraces the Isthmus and Peninsula with a civilian population estimated to be 70,000. This area includes the Military and the R.A.F. establishments. The other is known as Sheikh Othman Township Authority and takes its name from the built-up township of 21,000 persons, all non-Europeans, situated some four miles from the Isthmus. The area governed includes this Township and the remainder of the Colony in which are to be found four small coastal villages whose inhabitants number approximately 2,500.

In 1949 the principle of election was first introduced into the constitution of the Fortress Township Authority, so as to provide three elected members in addition to the existing four nominated official and three nominated unofficial members. In Crater ward there were elections, resulting in the success of one Arab merchant and one Pakistani advocate who was previously a nominated member of the Authority. In the other ward objections were raised against two Arab candidates, who were found not to be of British birth, and a

S.Gt. Brit., Colonial Office G-3 (1951-52)1954 MGH Aden MM

INDUSTRIAL ACCIDENTS, 1952

	Number	Amount of Compensation
Fatal Accident Cases:		
Claimed and settled in Court	5	Sh. 17,584
Pending	4	—
No claim by dependents	7	—
Permanent Partial Disability Cases:		
Settled in Court	17	20,453
Settled out of Court	27	14,879
Closed without award (no permanent injury and other reasons)	101	—
Pending	43	—

Classification by Trades

Accidents on wharfs, on lighters, etc.	85
" in factories and workshops	63
" on buildings under construction	56

INDUSTRIAL DISPUTES, 1952

Types of employment	Date	Period of Stoppage	Number of men	Man days lost
Factory	January	8 days	144	1,152
Dock Labour	February	2 "	500	1,000
Factory	March	2 "	50	100
Factory	May	1 day	50	50
Dock Labour	June	3 hours	250	90
Dock Labour	October	3 days	150	450
Building Construction	October	3 "	50	150
Building Construction	December	1 day	24	24
		TOTAL		3,016

Chapter 3: Public Finance and Taxation

STATEMENT OF REVENUE FOR 1949-50 TO 1951-52

	1951-52 £	1950-51 £	1949-50 £
1. Direct Taxation	702,716	418,607	316,351
2. Customs and Excise	295,206	246,179	215,012
3. Stamps, Licences, etc.	43,871	47,275	41,374
4. Receipts for or in aid of specific Government Services	129,899	44,856	38,230
5. Contributions and Local Reimbursements	27,372	20,784	15,931

8:Gt. Brit., Colonial Office G-3 (1951-52)1954 MM1 Aden MM1

which provided mainly for the better enforcing of discipline in the Force.

The General Loan and Stock Ordinance (No. 20 of 1952), which set out the terms and conditions under which loans may be raised by the Government of Aden Colony under separate legislation and provided for the creation of Aden Colony stock. It is similar in form to legislation passed in other Colonies.

The General Local Loan Ordinance (No. 21 of 1952), which set out the terms and conditions under which loans may be raised locally in the Colony by the issue of debentures by the Government of the Colony under separate legislation. It is similar in form to legislation passed in other Colonies.

The Trustee Investment in Aden Government Securities Ordinance (No. 22 of 1952), which provided safeguards to facilitate the investment of trust and other funds in the United Kingdom in Aden Government securities.

The Education Ordinance (No. 23 of 1952), which made provision for control of education in the Colony. This legislation was necessitated by the expansion of both Government and private education.

Chapter 9: Justice, Police and Prisons

JUSTICE

Aden Colony has a Supreme Court with unlimited civil and criminal jurisdiction presided over by a Judge of the Supreme Court. Appeals from the Supreme Court are heard by Her Majesty's Court of Appeal for Eastern Africa.

There are subordinate civil and criminal courts. Subordinate civil business is transacted by the Court of Small Causes. This Court is presided over by the Chief Magistrate, who is the Judge of the Small Causes Court, assisted by one of the other two Magistrates as additional Judge. In addition, there are Magistrate's Courts at Crater, Tawahi and Sheikh Othman.

The criminal system of law is based on that of India, modified by local ordinances. The Indian Penal Code is in force in the Colony.

The commonest type of litigation is that between landlord and tenant under the Aden Rent Restriction Ordinance and the majority of the suits under this head are claims by landlords for possession against their tenants.

The numbers of the civil and criminal cases filed in the Courts of the Colony during the years 1951 and 1952 were as follows:

Supreme Court

	1951	1952
Original Criminal	3	5
Criminal Appeals	77	123
Criminal Revision	22	15
Original Civil	476	566
Civil Appeals	19	22

A The city of Aden together with the peninsula of Little Aden, the territory of Sheikh Othman, and the Island of
101 Perim thus form a Crown Colony under direct British rule. (5)

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5. The British distinguish between two basic types of colonial administration: direct rule and indirect rule. The former means that the area is administered directly by British colonial officials without any native governmental machinery as is the case in Aden Colony. In the latter case use is made of existing native institutions and many of the actual administrative functions are in the hands of native governments under the control of British colonial officials.

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The islands of Kuria Muria, and Kamaran are also British possessions administered under the control of the Governor of Aden.

This means that no native government whatsoever functions in the area. As a colony, Aden is part of the British national territory and its inhabitants are British subjects. In spite of the transfer of administrative control over Aden to the Colonial Office, the ties with India have not been completely broken. A large amount of British
A Indian legislation, which had been made applicable to Aden, con-
● 692 tinues in force. The judicial organization, moreover, is still closely
671 linked with India since appeals from the Aden Supreme Court lie in the High Court in Bombay. In dealing with any legal case centered in Aden, British Indian substantive and procedural laws have, therefore, to be taken into account.

H 2. The Aden Protectorate. The present organization of the Pro-
642 tectorate is based upon the Aden Protectorate Order in Council of
648 18 March 1937. (6) Under it the Governor of the Colony is at the

6. S. R. & O. 1937, pp. 750-57; amended 10 July 1940, S. R. & O. 1940, pp. 397-98.

same time Governor of the Protectorate. (7) The functions exercised

H 7. A protectorate, even one very closely resembling a
600 colony, is not part of the national territory of the protecting state but